

DERRICK Lee Sledge, P-43766
CTF/CW-134L
P.O. Box 689
Soledad Calif. 93960



In Pro Se

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DERRICK Lee Sledge
Plaintiff

V.

DAVID BALKIND, R. SCHNORE
J.T. WHITE, N.A. ELLIS, M. VELA
BR. STINSON, M. ARFA
AND JOHN MARSHALL
Defendants.

C07-4622 CRB(PR)

MOTION FOR
APPOINTMENT
OF COUNSEL

PURSUANT to 28 U.S.C Section 1915 (e)(1)
plaintiff, DERRICK Lee Sledge, moves for AN
ORDER Appointing Counsel to Represent him in
this case. In Support of this motion, plaintiff
States:

1 1. Plaintiff is unable to afford counsel.
 2 He has requested leave to proceed in forma
 3 pauperis.
 4

5 2. Plaintiff's imprisonment has/is and
 6 will greatly limit his ability to litigate. The
 7 issues involved in this case are complex, and
 8 will require significant research and a "great"
 9 in-depth investigation against such a powerful
 10 legalize agency that practice by a "code of
 11 silent policy" that live with confident behind
 12 an arsenal of professional political attorneys.
 13 Contrarily to plaintiff whom is faced with very
 14 limited access to the law library and even upon
 15 attending the law library prison overcrowding
 16 make condition impossible to study research or
 17 obtain general assistance for books and materials
 18 ect.,, All of which is impairing Plaintiff
 19 knowledge of the law.

20 3. Plaintiff's also is under clinical case
 21 management (CCCMs) Cat J, whom is suffering
 22 from mental illness such as depression which he
 23 is pleading with this court to understand if true
 24 (which is true) that each one of the defendants
 25 that has been identified in this suit has either
 26 participated with deliberate indifference to cover-up/
 27 conceal % David Balkind, Sgt. R Schnora, %
 28 N. A Ellis (IE), M. Vela (Appeal coordinator)

1 And Lt S. R Stinson (Hearing Official)-Corrupt-
 2 Able Activity OR UNDER the Color of Law
 3 Condoning it. All of which is taking A
 4 Significant Amount of emotionally distress
 5 energy from my life, Knowing in my heart
 6 my case CAN make A new policy toward CCR
 7 IIS disciplinary Report and it due process
 8 Rights ect...

9
 10 4. Moreso A trial in this case will likely
 11 involve conflicting testimony among Officers
 12 And Counsel would better enable plaintiff to
 13 present evidence and cross examine witnesses.
 14 And even more will prevail CCCR-inmate 602
 15 due process/procedures by Administration is
 16 only fictitious which this case can demonstrate.

17 5. Plaintiff has made repeated efforts to
 18 obtain A lawyer. However ^{he} is now confuse
 19 Should he use these Prison LAW Offices/Agencies
 20 ect... As witnesses to contradict Prison Official
 21 Alleging Facts I was² given A Just 602 Due-Process
 22 However plaintiff is Attaching just A few of his
 23 diligence in an attempt to obtain Legal Assistance
 24 (Note this is A small Fraction to his pursuit to
 25 obtain a lawyer). - See Attach Exhibits - pages 1-8.

26 WHEREFORE, plaintiffs Request that the
 27 Court Appoint AN Attorney from its choice or
 28 Appoint MR Charles F. A CARBONE, Esq, CA -

1 -SBN 206536 Director - Litigation In Prison
2 Project (LIP) for California Prison Focus (See
3 Attachment page 1). A member of the CA SBN
4 BAR, AS counsel in this case.

5 I declare under penalty of perjury that
6 the foregoing is true and correct. Executed
7 At Soledad Calif. on May 05, 2008.
8
9
10
11

12 Respectfully Submitting
13

14 Derrick L. Sledge
15 DERRICK L. SLEDGE
16
17
18
19
20
21
22
23
24
25
26
27
28

1 *Name of prisoner*

2 *CDC No.*

3 *Name of California State Prison*

4 *Address*

5 In Pro Se

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

7 **FOR THE COUNTY OF *enter county name***

8 *In re name of prisoner*

) C. *enter case number*

9 On Habeas Corpus

) **REQUEST FOR APPOINTMENT**

) **COUNSEL AND**

) **DECLARATION OF**

) **INDIGENCY IN SUPPORT THEREOF**

14
15
16 As per Cal. Rules of Court, rule 4.551(c)(2), Petitioner *Name of Prisoner* respectfully

17 requests that this Court appoint Petitioner legal counsel in the above captioned matter.

18 Specifically, Petitioner requests appointment of:

19 Charles F.A. Carbone, Esq., CA SBN 206536

20 Director – Litigation In Prison Project (LIP) for California Prison Focus

21 2940 16th Street, Suite 307, San Francisco, California 94103

22 Phone: 415-252-9211, Facsimile: 415-252-9311, Email: charleseye@hotmail.com,

23 Mr. Carbone, Esq. expressed interest in this case and is qualified in prison related
24 litigation. Mr. Carbone Esq.'s appointment in this matter will ensure that Petitioner's interests
25 are properly represented, and to ensure a full, fair and just review in this matter. See *Charlton v.*
26 *Superior Court*, 93 Cal. App. 3d 858 (1979).

27 Respectfully submitted,
28

1 Date: May 05, 2008

Name: Derrick L. Sledge

2 Name of prisoner DERRICK L. Sledge
3 CDC No. P-43766

4 Name of California State Prison CTF/CW

5 Address P.O. Box 689
6 Soledad Calif 93960

7 In Pro Se

SANDERS & ASSOCIATES

3960 INDUSTRIAL BLVD., STE. 100, WEST SACRAMENTO, CA. 95691 (916) 376-8738 FAX (916) 376-8717

June 2, 2007,

Mr. Sledge,

We are sorry for your current plight and don't doubt for a second the notion that this could have happened exactly as you explain. However, there is nothing our office can do.

Your case would require a level of investigation our firm simply could not provide. We would not be able to act in your best interests so far from where intense investigation would need to be immediately conducted.

We recommend that you seek counsel near Soledad, and do not overlook local law schools which may take on such abuse as a class project in due process of law for their students. When you write them sell it. Provide proof if you can to entice them. Take your best shot with that letter.

We are sorry and we do wish you luck fighting for your rights,.

Sincerely,



KEITH CHANDLER

LEGAL ASSISTANT TO STEVEN C. SANDERS, ESQ.

CAPITOL OFFICE
STATE CAPITOL, ROOM 5108
SACRAMENTO, CA 95814
TEL (916) 651-4023
FAX (916) 324-4823

California State Senate

DISTRICT OFFICES
10951 WEST PICO BLVD., SUITE 202
LOS ANGELES, CA 90064
TEL (310) 441-9084
FAX (310) 441-0724

300 WEST THIRD ST., 4TH FLOOR
OXNARD, CA 93030
TEL (805) 486-3776
FAX (805) 486-6865

SENATOR
SHEILA JAMES KUEHL
TWENTY-THIRD SENATE DISTRICT
CHAIR
SENATE COMMITTEE ON HEALTH



COMMITTEES:
AGRICULTURE
APPROPRIATIONS
ENVIRONMENTAL QUALITY
JUDICIARY
LABOR & INDUSTRIAL RELATIONS
NATURAL RESOURCES & WATER
SELECT COMMITTEES:
CHAIR, HEALTH INSURANCE CRISIS
IN CALIFORNIA
CHAIR, SCHOOL SAFETY
JOINT COMMITTEE:
JOINT COMMITTEE ON RULES

June 27, 2007

Derrick I. Sledge P-43766
Soledad State Prison
P.O. Box 689; CW-1341
Soledad, CA 93960

Dear Mr. Sledge,

Thank you very much for your letter regarding the work incentive program for conservation camps. I share the concern addressed in your letter, and I continue to support the well-being of inmates in the California prisons.

As my office is not equipped to investigate and respond to your specific concerns, I have forwarded a copy of your letter to Ken Hurdle, the lead Ombudsman for the Department of Corrections, and I am requesting that he address your concerns regarding the Fire Safety rehabilitation program, as well as your personal case.

Please feel free to contact my office in the future.

Sincerely,

A handwritten signature in cursive script that reads "Sheila Kuehl".

SHEILA JAMES KUEHL
California State Senate
District 23

CC: Ken Hurdle, Ombudsman, Department of Corrections



Lois Ahrens
Real Cost of Prisons Project
5 Warfield Place
Northampton, MA 01060

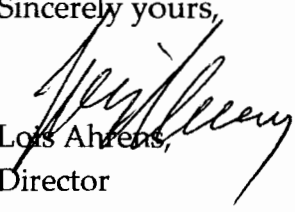
July 21, 2007

Dear Mr. Sledge,

We are in receipt of your letter sent to us on July 10th which you wrote on May 29th, 2007. Unfortunately, there is nothing that we can do to assist you in your protest against the treatment you have received and probably are still receiving.

Perhaps you might want to try: Prison Law Office, General Delivery, San Quentin, CA 94964. This is an independent organization that offers free legal services to prisoners on various matters including conditions of confinement.

Sincerely yours,


Lois Ahrens,
Director



A Project of Legal Services
For Prisoners with Children

All of Us or None
c/o Legal Services for Prisoners with Children
1540 Market Street, #490
San Francisco, CA 94102

415-255-7036 x337 // Fax: 415-552-3150
info@allofusornone.org
www.allofusornone.org

August 6, 2007

Mr. Derrick L. Sledge, #P-43766
CTF/Soledad State Prison
P.O. Box 689; CW-134L
Soledad, CA 93960

Dear Mr. Sledge:


We received your letter dated July 27th in which you requested legal assistance. It's good to hear from you. We are working on a system to be able to respond to all the letters we receive in a more timely manner. Thank you for your patience.

All of Us or None is a national organizing effort to strengthen the voices of formerly incarcerated people, prisoners, and our families that does not provide direct legal services and cannot assist you in this matter.

I am sorry for the mental anguish you've endured at the hands of the judicial system. I would encourage you to remain prayerful during these trying times of your life – for prayer changes things!

Enclosed is information on Legal Aid offices or Defender offices within the State of California. If you have questions, please do not hesitate to contact us again.

Solidarity and Struggle,


Tonya Gordon
All of Us or None



LEGAL MAIL: PRIVILEGED AND CONFIDENTIAL

September 5, 2007

Mr. Derrick L. Sledge
P-43766
Soledad State Prison
PO Box 689 - CW-134L
Soledad, CA 93960

Dear Mr. Sledge:

Thank you for sending us information about your case.

Regrettably, FAMM is unable to provide you with the assistance you request. FAMM does not have attorneys on its staff that can provide legal advice or representation to individuals. Rather, our efforts are focused on changing sentencing laws and educating the public on the need for sentencing reform. FAMM's intervention in litigation is limited to a very small number of cases that challenge the interpretation of particular sentencing laws in the federal appellate courts and the United States Supreme Court. Other prison and criminal law issues are beyond the scope of our mission, even though they are undoubtedly important.

We have enclosed the pages of the exhibits which you sent to us and kept a copy of them for our file. We wish you success in finding the assistance you are seeking.

Sincerely,

Mary Price
Vice President and General Counsel

Enclosures

LEGAL DEPARTMENT
NATIONAL PRISON
PROJECT



Dear Friend:

We know that prisoners have great difficulty getting help and regret that we cannot do more than provide you with a list of groups that try to help prisoners in your state, and some general information about the issue you described in your letter. The National Prison Project has only seven staff lawyers and receives about 600 letters each month from prisoners across the country. Any one of these letters can describe an urgent legal need that would take months of a lawyer's time to resolve. Because of our severely limited resources, we do not do advocacy for individual prisoners.

AMERICAN CIVIL
LIBERTIES UNION FOUNDATION

PLEASE RESPOND TO:
NATIONAL PRISON PROJECT
915 15TH STREET, NW
7TH FLOOR
WASHINGTON, DC 20005-2112
T/202.393.4930
F/202.393.4931
WWW.ACLU.ORG

ELIZABETH ALEXANDER
DIRECTOR
ATTORNEY AT LAW

NATIONAL OFFICE
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2500

OFFICERS AND DIRECTORS
NADINE STROSSEN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

RICHARD ZACKS
TREASURER

If you are thinking about filing a lawsuit, then you should know about a 1996 law called the Prison Litigation Reform Act (PLRA), which makes it harder for prisoners to file lawsuits in federal court. The PLRA has many parts, but the following five parts are the most important for you to understand.

First, before you file a lawsuit, you must try to resolve your complaint through the prison's grievance procedure. This usually requires that you give a written description of your complaint (often called a "grievance" or "kite") to a prison official. If the prison provides a second step (like letting you appeal the prison official's response to the warden), then you must also take that step. If you file a lawsuit in federal court before using every step of your prison's grievance procedure, it will almost certainly be dismissed.

Second, all prisoners must pay court filing fees. If you do not have the money up front, you can pay the filing fee over time through monthly installments from your prison commissary account, but the filing fee will not be waived.

Third, each lawsuit you file that is dismissed because a judge decides that it is frivolous, malicious, or does not state a proper claim counts as a "strike." After you get three strikes, you cannot file another lawsuit unless you pay the entire court filing fee up front. The only exception to this rule is if you are at risk of having serious physical injury in the immediate future.

Fourth, you cannot file a lawsuit seeking damages for mental or emotional injury unless you can also show physical injury.

Fifth, if you are in a federal prison, you risk losing good time credits

Prisoners' Rights Research Project

University of Illinois College of Law
504 East Pennsylvania Avenue
Champaign, IL 61820

Dear Sir or Madam:

Thank you for your inquiry to the Prisoners' Rights Research Project at the University of Illinois College of Law. PRRP is a non-profit organization staffed entirely by law students at the University of Illinois College of Law. Its members are not licensed attorneys, and cannot offer legal advice.

PRRP can provide legal research on specific questions of Illinois or federal law. If you would like the assistance of the PRRP please mail a letter with specific questions you would like addressed. Due to the volume of mail received, PRRP cannot answer all letters received. We apologize if we are unable to answer your questions. Please do not send documents to the PRRP. ~~We are unable to accept for review any legal documents or court transcripts.~~ We cannot assist in finding an attorney and cannot represent clients.

Law students at the PRRP will prepare a memorandum under the general supervision of a licensed attorney. The memorandum will represent their best effort to provide an objective analysis of the current state of Illinois or federal law on the issue or issues raised. It also may describe processes that appear to be relevant to your situation. It does not constitute legal advice, and you should not rely upon it as a basis for action. If you wish to pursue any legal action, you should seek the advice of an attorney.

Sincerely,

Prisoners' Rights Research Project

PROOF OF SERVICE BY MAIL
BY PERSON IN STATE CUSTODY
(C.C.P. §§ 1013(A), 2015,5)

I, DERRICK Lee Sledge, declare:

I am over 18 years of age and I am party to this action. I am a resident of CORRECTIONAL TRAINING FACILITY prison, in the County of Monterey, State of California. My prison address is:

DERRICK L. Sledge, CDCR #: P-43766
CORRECTIONAL TRAINING FACILITY
P.O. BOX 689, CELL #: CW-134L
SOLEDAD, CA 93960-0689.

On MAY 05, 2008, I served the attached:

Motion For Appointment of Counsel

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope (verified by prison staff), with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named institution in which I am presently confined. The envelope was addressed as follows:

Office of the Clerk
U.S. District Court
North District
of Calif.
450 Golden Gate Ave.
SAN FRANCISCO CALIF. 94102

2x Copies
1x Original

Dept. Of Justice
Office of the Attorney General
455 Golden Gate Ave
Suite 11000
SAN FRANCISCO, Ca 94102
ATTN: EDMUND G. BROWN JR.
AND Kyle A. LEWIS
for defendants
1x Copies

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on MAY 05, 2008.

Derrick L. Sledge
DERRICK L Sledge
Declarant